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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,035	06/11/2001	Toshihiko Munetsugu	P21107	9810
7055	7590	12/07/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			TRAN, QUOC A	
			ART UNIT	PAPER NUMBER
			2176	
DATE MAILED: 12/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/877,035	Applicant(s) MUNETSUGU ET AL.	
	Examiner Quoc A. Tran	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-4, 11-13 and 21-27.

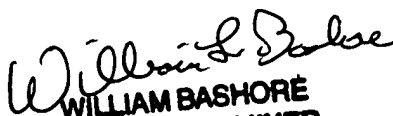
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
 See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. ☐ Other: _____.


WILLIAM BASHORE
PRIMARY EXAMINER
12/5/2005

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed after the final rejection on 11/25/2005 have been fully considered but they are not persuasive. In response to applicant's arguments on pages 7-13, for claims 1-4, 11-13 and 21-27,

Applicant argues the rejection under 35 USC 112 first and second paragraphs have been fully considered but they are not persuasive. Examiners agree, "Applicants are their own lexicographers", however the terms chosen has to be define. Examiners have been fully considered page13, line 21 through page 42, line 11 Applicants invention Specification, but they are not persuasive (e.g. does not define the terms representer and one of the representative image) as claimed (rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The terms representer and one of the representative image critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Also rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Additionally, the main thrust of the applicant's argument is Davis, in view of Jain are not teaching the Applicants' claimed invention and they are not properly combined.

To concisely address the elaborate arguments presented, the Examiner respectfully disagrees for the detailed reasons stated in the rejection of each claim limitation previously presented in Office Action mail date 08/24/2005 (please see rejections for detail). In further support of the previous Office Action, please note the following:

Using the broadest reasonable interpretation of the claims, the Davis reference teaches an automatic time-based media processing system, wherein creating new media content by defining content representations among the types of transformation that can be achieved are synchronization, substitution re-sequencing temporal compression and dilation, and the creation of parametric special effects, wherein a media parser to obtain descriptive representations of its contents. Each content representation is data that provides information about the media signal, and is functionally dependent on the media signal, such as: frames, timecodes, movies, television programs, music videos, etc. and then transforming said media signal in accordance with said functional relationship to thereby generate a new media production (see Davis reference).

However Davis does not explicitly teaches, addresses indicating locations of the media content, and the addresses per extracted time information, description data that specifies an order of representation and synchronization information of the segments and selection condition... media content score SMIL document and a network that connects said server and said client, but Jain discloses an object oriented programming implementation, every Track data type is derived from a "virtual base class" that provides the basic functions for insertion, deletion, read-out, etc., and defines storage for the in-time and out-time of each metadata element and during metadata capture, the user may mark video clips and annotate them. This input is captured by the GUI Input Capture element. Event monitoring and dispatch also occurs during capture, driven by an Event Dictionary. Finally, when capture is complete, the metadata may be output in a variety of formats such as Virage Data Format (VDF) 562, HTML 564, XML 566, SMIL and other, which are managed by the Output Filter Manager. Also, information on Synchronized Multimedia Integration Language (SMIL) may be accessed at the W3C site (see Jain reference).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Davis teaching, to include a means of implementing an object oriented programming, wherein every Track data type is derived from a "virtual base class" that provides the basic functions for insertion, deletion, read-out, etc., and defines storage for the in-time and out-time of each metadata element and during metadata capture, the user may mark video clips and annotate them. One of ordinary skill in the art would have been motivated to modify this combination to improve the time-based media processing system, which is capable of providing high quality, adaptive, efficient, re-usable of media content without the without requiring a significant level of skill on the part of the user, and is therefore suited for use by the average consumer (as taught by Davis'716 at col. 2, lines 7-18).

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
12/5/2005